

## EXHIBIT 4

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

NEW YORK STATE FIREARMS ASSOCIATION,

et al.,

*Plaintiffs,*

v.

Civil Action No. 23-CV-6524-FPG

DOMINICK L. CHIUMENTO, in his official capacity as  
Acting Superintendent of the New York State Police,

*Defendant.*

**DECLARATION OF HARRY CLAUSS IN SUPPORT OF PLAINTIFF'S REPLY IN  
SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**

STATE OF NEW YORK     )  
                                      ) ss:s  
COUNTY OF MONROE    )

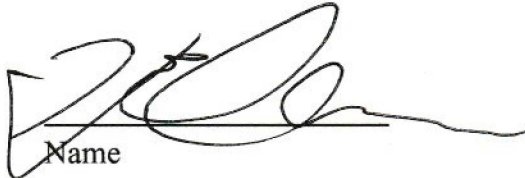
Harry Clauss, having been duly sworn, hereby states under the pains and penalties of perjury:

1. I am over 21 years of age and I make the following statements to my personal knowledge. If called upon to testify would competently testify as to the matters stated herein.
2. I am a 19-year resident of Webster, New York.
3. I am a member of the New York State Firearms Association ("NYSFA"). I am not suing Superintendent Chiumento in my own capacity but know the NYSFA is fighting for my Second Amendment rights against New York's ammunition background checks.
4. I am a law-abiding gun owner and not subject to any possession restrictions under New York or federal law. I passed a background check to purchase a Ruger LCP. This gun is a pistol and uses .380 ammunition.

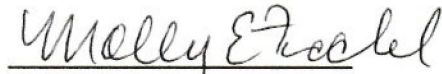
5. On or about September 19, 2023 I went to Walmart in Penfield, New York and to purchase .380 ammunition.

6. I was informed that the background check system was offline and I was unable to complete the purchase. I was not offered any avenue by which to purchase ammunition other than to try again some other time. I was unequivocally deprived of my Second Amendment rights through the failure of the background check system.

7. Ammunition background checks are pointless, time-consuming exercises against law-abiding gun owners like myself. Every minute I've spent and will spend enduring a background check for ammunition purchases a violation of my Second Amendment rights.

  
Name

Signed and sworn before me this 26 day of October, 2023.

  
NOTARY PUBLIC

MOLLY E. FRACHEL  
Notary Public, State of New York  
No. 01FR6406693  
Qualified in Monroe County  
Commission Expires April 6, 2024

MY COMMISSION EXPIRES: 4/6/2024